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Summary of legislation affecting
municipalities
1970



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Publications

DEPARTMENT OF MUNICIPAL AFFAIRS



70

SUMMARY OF LEGISLATION

ACTING MUNICIPALITIES

passed at the Third Session of the Twenty-Eighth
Legislature of the Province of Ontario

prepared by the authority of
HONOURABLE DALTON BALES, Q.C.
Minister of Municipal Affairs



Department of Municipal Affairs Ontario




I am pleased to make available the 1970 summary of legislation affecting municipalities enacted at the Session of the Legislature prorogued on November 13th, 1970. This summary is intended for use as a convenient guide to municipal officials and other persons interested in municipal affairs.

Only those Acts or parts thereof considered to be of interest to municipal officials have been summarized. This summary is prepared for the purpose of convenience and for the exact wording reference should be made to the Statutes of Ontario, 1970.

Dalton Bales.

Minister of Municipal Affairs.

December 31st, 1970.



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THE MUNICIPAL AMENDMENT ACT, 1970 (No. 1)

BILL No. 64

Ontario Statutes 1970, Chapter 14, deemed to have come into force on
January 1st, 1970.

Taxation of Universities. A new *Section 294b* is added to provide that the council of a local municipality may pass by-laws to levy an annual tax upon a university designated by the Lieutenant Governor in Council, not exceeding the sum of \$25 a year for each full time student enrolled in such university on the 1st day of December in the year preceding the year of levy as determined by the Minister of University Affairs. The moneys are to be credited by the municipality to its general fund. For the purpose of apportioning county, metropolitan or regional levies, the assessment of a municipality that levies such a tax is deemed to be increased proportionately.

THE MUNICIPAL AMENDMENT ACT, 1970 (No. 2)

BILL No. 142

Ontario Statutes 1970, Chapter 56, deemed to have come into force on
January 1st, 1970.

Limiting Increase in Taxes Following Change In Assessment Basis. A new *Section 526a* is added to provide that notwithstanding *Section 526* where taxes in a municipality on any lands in the municipality increase in any year in a amount exceeding 10 per cent of the taxes imposed on such lands in the preceding year, based on the same expenditures on which the levy was made in the preceding year, as a result of a different assessment generally of lands in the municipality, the municipality may apply to the Minister to be designated as a municipality to which this section applies. *Subsection 2* provides that the council of a designated municipality may pass a by-law,

- (a) which shall set forth the amount of the increase or decrease in taxation on each separately assessed parcel of rateable property resulting from the assessment and expenditures mentioned in *subsection 1*;
- (b) which shall limit the amount of the increase exceeding \$50.00 in taxation mentioned in *clause a* in the taxes to be levied in each year during a period of not more than five years;
- (c) which shall provide that the total amount of the reduction in taxes resulting from the provision in the by-law authorized by *clause b* be raised by reducing the amount of the decreases in taxation mentioned in *clause a* or by charging it in whole or in part to the general funds of the municipality or by a combination of both.

Subsection 3 provides that when there has been a change in the use or character of any land which, in the opinion of the council, makes any limitation of the increase in taxation of such land under *subsection 2* inappropriate, the council may by by-law exclude such land from the application of the by-law

passed under *subsection 2*. *Subsection 4* provides that the Minister may order that any by-law passed under this section is no longer effective after a date specified in the order, which date may be retroactive.

THE MUNICIPAL AMENDMENT ACT, 1970 (No. 3)

BILL No. 172

Ontario Statutes 1970, Chapter 86, effective November 13th, 1970.

Borrowing by Municipalities. New *subsections 3a, 14, 15, 16* and *17* are added to *Section 282*, a new *Section 282a* is added, *Section 284* is re-enacted, *subsection 3* of *Section 285* is re-enacted and a new *subsection 4* is added, a new *Section 293a* is added, *Sections 313, 314, 315* and *316* are repealed and *subsection 4* and *5* are added to *Section 323* to constitute a revision of the amendments respecting the borrowing authority available to municipalities. Approval of the Department is required for certain types of borrowing where the debentures are payable in the currency of Great Britain or the United States of America.

THE MUNICIPAL AMENDMENT ACT, 1970 (No. 4)

BILL No. 231

Ontario Statutes 1970, Chapter 135, effective November 13th, 1970, except for amendments to *Sections 377* and *629* which shall be deemed to have come into force on January 1st, 1970, the amendments to *Section 651* which come into force on January 1st, 1971 and the repeal of paragraph 129 of *subsection 1* of *Section 379* which comes in force on day to be named by proclamation.

1. **Chief Administrative Officer.** A new *Section 214a* is added to provide that council may by by-law appoint a chief administrative officer who shall have such general control and management of the affairs of the corporation and its departments as council may prescribe by by-law. A complementary amendment is made to *subsection 2* of *Section 329* which deals with dismissal of officers.
2. **Oath of Constable.** *Subsection 3* of *Section 236* is repealed. This subsection required every constable to make a declaration in a prescribed form before entering on the duties of his office. *The Police Act* contains a similar provision and the repealed subsection was therefor redundant. A complementary amendment is made by the repeal of *Form 21*.
3. **Retirement Allowance for Surviving Spouse.** A new *subsection 1a* is added to *Section 240* to provide that where a council grants an annual retirement allowance to an employee under *subsection 1*, the by-law may include provision for continuing the allowance to the surviving spouse, if any, during his or her life in an amount not exceeding one-half of the annual allowance payable to the employee.
4. **Powers of Investment Broadened.** *Section 302* is re-enacted to broaden the powers of municipalities to invest moneys not required immediately to include fixed-term deposits with or guaranteed investment certificates or debentures of any trust company or loan corporation that is registered under *The Loan And Trust Corporations Act*.

5. **Provision of Aid in Respect of Common Disaster.** A new *paragraph 42b* is added to *Section 377* to provide that municipalities may pass by-laws for granting money by way of contribution to a relief fund established in aid of persons who suffer loss, whether in Ontario or elsewhere, as a result of a common disaster.
6. **Accommodations for Doctors and Dentists.** A new *paragraph 69a* is added to *Section 377* to permit municipalities to acquire property by purchase or lease for the purpose of leasing such property to doctors and dentists, and such property may be so leased either for residential, clinical or office purposes or a combination thereof.
7. **Fireworks.** *Paragraphs 30 and 31 of subsection 1 of Section 379* are amended to permit municipalities to regulate the sale of "any class or classes of fireworks" and to prohibit the setting off of "any class or classes of fireworks." This amendment will permit municipalities to discriminate between different types of fireworks in regard to sale and setting off of such fireworks. Under these amendments municipalities may prohibit the sale and setting off of firecrackers which are considered to be more dangerous than the display type of fireworks.
8. **Bands of Music.** *Clauses a and b of paragraph 50 of subsection 1 of Section 379* are repealed. *Paragraph a* required the assent of the electors to the passage and repeal of a by-law granting aid to bands of music. *Paragraph b* required the submission of such a by-law to the electors on a receipt of a petition by 15 per cent of the electors, and the mandatory enactment of a by-law by council where such assent is given. Councils may now grant aid to bands of music as they see fit.
9. **Littering of Municipal Property.** *Paragraph 68a of subsection 1 of Section 379* is amended to permit local municipalities to pass by-laws to prohibit the littering of municipal property or any local board thereof.
10. **Supply of Cooling Energy.** *Paragraph 98 of subsection 1 of Section 379* is amended to permit local municipalities to pass by-laws to authorize persons to supply cooling energy by laying down pipes or conduits under highways or public squares.
11. **Prohibition or Regulation of Signs.** *Paragraph 122 of subsection 1 of Section 379* is re-enacted to make it clear that the power to prohibit or regulate signs may be exercised in respect of the sign itself as distinct from the physical act of erecting the sign. Existing non-conforming signs may be required to either be made to comply with the by-law or be removed within 3 years following the effective date of the by-law.
12. **Limitation on Number of Service Stations Deleted.** *Paragraph 129 of subsection 1 of Section 379* is deleted. The deleted paragraph authorized municipalities to limit the number of public garages and service stations. The matter can be more appropriately dealt with as a land use matter under the provisions of *The Planning Act*.

13 **Prohibition of Sale of Refreshments on Highways.** *Paragraph 3 of subsection 1 of Section 399* is re-enacted. The re-enacted paragraph authorizes municipalities to prohibit the sale of refreshments and confections generally upon any highway or in any public park or other public place. Formerly, the paragraph listed specific items the sale of which could be prohibited.

14. **Number of Trustees of Improvement District.** *Subsection 1 of Section 522* is amended to give the Lieutenant Governor in Council authority to appoint 3 or 5 members to the board of trustees of an improvement district. Formerly only a three-member board could be appointed. *Subsection 3* is amended to provide that a majority of the members of the board form a quorum.

15. **Statement of Tax Arrears.** A new *subsection 1a* is added to *Section 570* to provide that a written certified statement of tax arrears given under *subsection 1* is binding upon the municipal corporation and the amount charged for the search and statement belongs to the corporation and not to the treasurer.

16. **Charge Backs Where Deficiency in Collection of Taxes.** *Section 629* is amended to prohibit the charge back of deficiencies in collection of taxes caused by the abatement or refunding resulting from applications brought under *clause d or g, Section 76(1) of The Assessment Act, 1968-69.*

17. **Penalty for Arrears of County Taxes.** *Subsections 1 and 2 of Section 651* are amended to increase the maximum rate of interest chargeable by a county on overdue moneys under the said section from 6 to 12 per cent per annum.

THE ASSESSEMENT AMENDMENT ACT, 1970

BILL No. 143

Ontario Statutes 1970, Chapter 57, effective June 26th, 1970, except for the amendment to Section 32 and 87 which shall be deemed to have come into force on December 17th, 1969, the amendments to Sections 17, 28, 47, 50, 52, 53, 55, 56, 62, 63, and 85, the re-enactment of subsections 1 and 4 of Sections 46, which shall be deemed to have come into force on January 1st, 1970, the re-enactment of subsection 2 and 3 of Section 46 which comes into force on January 1st, 1971, and the re-enactment of Sections 71, 72, 73, 74, and 75 which comes into force on July 1st, 1970.

1. **Appointment of Acting Assessment Commissioner.** *Subsection 2 of Section 2* is amended to provide that the Minister may, in the absence for any reason of any assessment commissioner, appoint an acting assessment commissioner who, while so acting has all the powers and duties of an assessment commissioner.

2. **Assessment Roll Notations.** *Paragraph 5 and 6 of subsection 1 and clause a of subsection 3 of Section 17* are amended to provide that "CC" "FSis", "CC", and "BS" be struck from the roll and "C", "SF", "C", and "B" be inserted respectively in order to save computer expense.

3. **Census.** *Section 23* is re-enacted to provide that the assessment commissioner shall in each year, on or before the 31st day of October, cause a census

to be taken of the inhabitants of each municipality and locality in his region, which, shall include such information as may be prescribed by the Lieutenant Governor in Council, and the census for each municipality and locality shall be delivered by the assessment commissioner to the clerk of the municipality or secretary of each school board in the locality on or before the 1st day of November of the year in which the census is taken.

4. **Mining Revenue Payments.** *Subsection 9 of Section 28* is re-enacted to provide that where a municipality receives a payment in any year under the regulations under *subsection 8* it shall not assess or tax the profits of any mine or mineral work under *subsection 1 or 4* in that year.

5. **Time for Yearly Assessment and Return of Roll.** *Subsection 1 of Section 46* is re-enacted to provide that except as provided in *subsection 2 and 4*, in every municipality the assessment shall be made yearly at any time between the 1st day of January and the 30th day of September, and the assessment roll of the municipality shall be returned to the clerk not later than the 1st day of October. The subsection is revised for clarification purposes.

6. **Assessment by Areas.** *Subsections 2 and 3 of Section 46* are re-enacted to give discretion to the assessment commissioner in relation to assessment by areas and requires a publication of a notice of assessment by areas which notice shall be delivered forthwith to the clerk of the municipality.

7. **Extension of Time for Return of Roll.** *Subsection 4 of Section 46* is re-enacted to permit the Minister to extend the time for return of the assessment roll beyond the 1st day of October for any area in a municipality. The time for closing the Assessment Review Court is extended for a corresponding period.

8. **Certification of Roll by Regional Registrar.** *Subsections 1 and 2 of Section 47* are re-enacted to provide for the certification of the assessment roll by the regional registrar instead of the Assessment Review Court as was previously the case. Complementary amendments are made to *Sections 53 and 56*.

9. **Accommodation for Court.** A new *subsection 9* is added to *Section 50* to provide that where sittings of the Assessment Review Court are to be held in any municipality the municipality shall provide a suitable room and other necessary accommodation for the holding of the court.

10. **Application of Certain Acts to Members of Assessment Review Court.** A new *subsection 10* is added to *Section 50* to provide that *The Public Service Act, 1961-62*, except *Sections 4 and 5*, applies to the members of the Assessment Review Court and to the registrar of the court and the regional registrars of the court who are employed on a full time basis. The addition of a new *subsection 11* makes Part 1 of *The Public Service Superannuation Act* similarly applicable.

11. **Notice of Decision.** *Subsection 14 of Section 52* is re-enacted to provide that when the Assessment Review Court has heard and decided a complaint, the regional registrar shall forthwith after the receipt of the record of the decision from the clerk of the court cause notice thereof to be given, where the complaint was to the amount of the assessment, by registered mail, and in the

case of all other complaints, by ordinary mail, to the persons to whom notice of the hearing of such complaint was given, and such notice shall state thereon that such decision may be appealed to the county judge within 14 days of the mailing of the notice under *subsection 14 of Section 52*, be sent by the person was given under *subsection 4*.

12. **Notice where Assessment \$50,000 or More.** A new *subsection 15* is added to *Section 52* to provide that when the Assessment Review Court has heard and decided a complaint and the assessment is in an amount of \$50,000 or more or has been increased by the Assessment Review Court to an amount of \$50,000 or more, the notice under *subsection 14* shall also state thereon that, if no appeal is taken to the county judge such decision may be appealed to the Ontario Municipal Board within 21 days of mailing such notice.

13. **Notice of Appeal.** *Subsection 2 of Section 55* is re-enacted to provide that a notice of appeal to the county judge shall, within fourteen days of the mailing of the notice under *subsection 14 of Section 52*, be sent by the person appealing by registered mail to the assessment commissioner and the assessment commissioner shall immediately transmit such notice to the regional registrar who shall forthwith mail a copy of such notice to the persons to whom notice was given under *subsection 14*.

14. **Notice of Judge's Decision.** *Subsection 2 of Section 62* is amended to increase the period within which an appeal may be made from the decision of a judge to the Municipal Board from 14 days to 21 days.

15. **Equalized Assessment Determination.** *Sections 71, 72, 73, 74 and 75* are re-enacted. The sections are re-enacted to provide:

- (a) a right of appeal as to equalized assessment and equalization factor determined by the Department of Municipal Affairs where an appeal is not otherwise provided;
- (b) apportionment of county rates on a basis of 30 per cent of the equalized assessment and 70 per cent of the apportionment of the previous year;
- (c) authority to county council to adjust the apportionment;
- (d) a right of appeal as to the apportionment;
- (e) authority to the Ontario Municipal Board to change equalized assessments, equalization factors and appointments where municipalities are altered.

16. **Correction of Errors.** *Clause e of subsection 1 of Section 76* is amended to provide that an application to the Assessment Review Court for the cancellation, reduction or refund of taxes levied in the year in respect of which the application is made may be made by any person who is overcharged by reason of any gross or manifest error that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied. The amendment is to clarify what is meant by a "gross or manifest error". A similar amendment is made to *subsection 1 of Section 77* where there is an application to increase taxes because of a gross or manifest error.

17. **Burdensome Increase in Taxes.** *Subsection 1 of Section 76* is amended by the addition of a new *clause g* to provide that an application may be made to the Assessment Review Court for the cancellation, reduction or refund of taxes where such taxes are unduly burdensome by reason of an increase resulting from a different assessment generally of lands within the municipality made in the year 1968 or thereafter. New *subsections 2a* and *2b* are added to *Section 76* to require council to approve an application under *clause g* and fix the maximum tax reduction. Provision is made for notice of any hearing to be given by the regional registrar.

18. **Notice of Decision.** *Subsection 5 of Section 76* is amended to require the regional registrar to give notice of the decision of the Assessment Review Court to the assessment commissioner.

19. **Assessment of Concentrators and Smelters.** *Subsection 1 of Section 87* is re-enacted to make it clear that concentrators and smelters are assessable for 1969 and taxable for 1970 although the assessment was not done in 1969.

20. **Form 1.** Form 1, "Affidavit or Affirmation of Assessment Commissioner in Verification of Assessment Roll" is re-enacted.

THE DRAINAGE AMENDMENT ACT, 1970

BILL No. 224

Ontario Statutes 1970, Chapter 130, effective November 13th, 1970, except for the amendment to Section 40 which comes into force on January 1st, 1971.

1. **Copy of Report to Accompany Notice of Meeting.** A new *subsection 4a* is added to *Section 24* to provide that the clerk of the initiating municipality and the clerk of every other local municipality shall send a copy of the engineer's report with each notice of the date of the meeting at which the report will be considered, provided that where a copy of the report is sent under *subsection 1* it is not necessary to send a further copy to the same party under this new subsection.

2. **Engineer's Report.** *Section 25* is amended to delete the requirement that the clerk read aloud the engineer's report at the council meeting held to consider it.

3. **Number of Members of Court of Revision.** *Subsection 1 of Section 29a* is amended to provide that the court of revision shall consist of three or five members. Formerly, it was required that the court of revision consist of five members.

4. **Procedure on Appeals to County Court Judge.** *Section 32* is amended by the addition of a new *subsection 1a* to provide that the provisions of *The Assessment Act, 1968-69*, as to appeals to the judge under *Section 55* of that Act apply, with the necessary changes, to an appeal under *subsection 1* of *Section 32* of *The Drainage Act, 1962-63*, except that the notice of appeal shall be given to the clerk of the municipality in lieu of the assessment commissioner and the clerk upon receipt of such notice shall there upon perform the duties of the regional registrar.

5. **Liability of School Board to Pay Special Assessments.** *Subsection 6 of Section 40* is amended to make local school boards liable to pay the special assessments imposed on the lands owned by them.

THE MUNICIPAL FRANCHISES AMENDMENT ACT, 1970

BILL No. 220

Ontario Statutes 1970, Chapter 128, effective November 13th, 1970.

Approval of Ontario Municipal Board. A new *subsection 2* is added to *Section 7* to authorize the Municipal Board to approve more than one by-law in respect of the same work, provided the total period of operation of such by-laws does not exceed three years.

THE ONTARIO MUNICIPAL EMPLOYEES RETIREMENT SYSTEM AMENDMENT ACT, 1970

BILL No. 225

Ontario Statutes 1970, Chapter 131, effective November 13, 1970.

Provincial Debentures. *Subsection 1* and *clause b* of *Section 7* are amended. *Subsections 3* and *4* are re-enacted. These provisions respecting the issue of Provincial debentures to OMERS are revised so that the debentures will bear interest equal to at least the weighted average yield to maturity of Provincial debentures and bonds.

THE PLANNING AMENDMENT ACT, 1970

BILL No. 162

Ontario Statutes 1970, Chapter 72, effective June 27th, 1970.

1 **Subdivision Control.** *Section 26* is re-enacted to make all land in Ontario subject to subdivision control and part lot control. Formerly areas of land subject to part lot control were designated by municipal by-law or by order of the Minister. The prohibition against conveying or mortgaging land except under the conditions specified, is enlarged to include a prohibition against granting, assigning or exercising a power of appointment with respect to land. A complementary amendment is made to *clause b* of *subsection 1* of *Section 27* and *subsection 2a* of *Section 32b*. *Subsection 5* of *Section 26* provides that a council of a municipality may provide by by-law that part lot control does not apply to land that is within a registered plan or plans of subdivision or part or parts thereof as is or are designated in the by-law. The Minister's approval is required before the by-law can take effect.

2. **Appointment of Land Division Committee.** A new *Section 26a* is added to provide for the appointment by a county council or the council of a metropolitan, regional or district municipality of a land division committee

empowered to grant consents for the purposes of *Section 26* of the Act in respect of land in those constituent municipalities that do not have a committee of adjustment, or the case of a municipality that has constituted a committee of adjustment, where council has by by-law authorized the land division committee to grant consents in its place.

3. **Jurisdiction of Committee of Adjustment.** A new *Section 26b* is added to provide that a committee of adjustment loses its jurisdiction to grant consents where the municipality that constituted the committee does not have an official plan that is approved on or before December 31st, 1973, or the Minister having formed the opinion the committee is not granting consents in the manner contemplated by the Act, so orders.

4. **Notice of Zoning Order.** *Subsection 3* of *Section 27* is added to provide that the Minister may give notice of a zoning order passed under *Section 27* in such manner as he considers proper and the Minister shall cause a certified copy or duplicate of the order to be registered in the proper registry or land titles office.

5. **Rules of Procedure of Committee of Adjustment.** *Subsections 12* and *13* of *Section 32a* are repealed and a new *subsection 12* is enacted to provide that in addition to complying with the requirements imposed upon the committee by this Act, the committee shall comply with such rules of procedure as may be prescribed by the Minister by regulation. Formerly, the rules of procedure of each committee of adjustment were required to be approved by the Minister. The Committees were free to draft rules of procedures subject to the approval of the Minister.

6. **Power of Committee to Give Consent.** *Subsection 2a* of *Section 32b* is re-enacted to provide that in addition to its powers under *subsections 1* and *2* and subject to *Section 26a*, the committee upon the application of the owner of any land or any person authorized in writing by such owner, may, notwithstanding any other Act, give a consent as mentioned in *Section 26*, provided that the committee is satisfied that a plan of subdivision under *Section 28* for the land described in the application is not necessary for the proper and orderly development of the municipality.

7. **Matters to be Taken Into Account on Granting Consents.** *Subsection 9a* of *Section 32b* which deals with matters to be regarded to by committees in determining whether to grant a consent is repealed and re-enacted as *subsection 12* of *Section 26* with necessary changes due to the provisions for land division committees.

8. **Special Account.** *Subsection 9b* of *Section 32b* dealing with lands sold where a committee has imposed a condition that land be conveyed to it for public purposes has been repealed and re-enacted as *subsection 13* of *Section 26*.

9. **Regulations.** A new *Section 34a* is added to provide that the Minister may make regulations prescribing rules of procedure for committees of adjustment and land division committees constituted under this Act.

THE REGIONAL MUNICIPAL GRANTS ACT, 1970

BILL No. 67

Ontario Statutes 1970, Chapter 15, deemed to have come into force on
January 1st, 1970.

General. This new Act provides for a new system of calculating and paying grants to The Municipality of Metropolitan Toronto and the Regional Municipalities of Niagara and Ottawa-Carleton. Grants will no longer be paid to those municipalities under *Section 7 of The Municipal Unconditional Grants Act*. The method by which the constituent area municipalities are to levy their yearly rates is set out.

THE RESIDENTIAL PROPERTY TAX REDUCTION AMENDMENT ACT, 1970 (No. 1)

BILL No. 60

Ontario Statutes 1970, Chapter 11, deemed to have come into force on
January 1st, 1970.

1. **Definition Section Re-enacted.** *Section 1*, being the definition section, is re-enacted. It should be noted that:

- (i) "land" means land as defined in *The Assessment Act, 1968-69*.
- (ii) "number of residential properties" means the number of properties in respect of which reimbursement is made under *subsection 1 of section 5*, exclusive of the number of properties in respect of which reimbursement is made for part of the year only.
- (iii) "residential and farm assessment" means the assessment for real property except the assessment for real property mentioned in *clauses a and c of subsection 2 of Section 294 of The Municipal Act* according to the last revised assessment roll.
- (iv) "residential property" means land separately assessed under *paragraph 2 of subsection 2 of Section 17 of The Assessment Act, 1968-69* upon which there is a building used or intended to be used as a residence.
- (v) "residential tax levy" means the municipal taxes levied on residential and farm assessment less reductions in such taxes under this Act.

Only new and amended definitions are referred to.

2. **Separate Assessment.** *Subsection 2 of Section 1* is re-enacted to provide a continuing method of requesting a separate assessment and the time for making such applications is extended by one month.

3. **Reduction of Municipal Taxes.** *Sections 2 and 3* are re-enacted to provide for limiting the amount by which the reduction in municipal taxes may vary from the amount of the previous year's reduction.

4. **Regulation Making Powers Enlarged.** *Section 6* is amended by the addition of new *clauses aa and ab* to confer additional regulation making

powers on the Lieutenant Governor in Council respecting the amount of the municipal tax reduction generally, and with respect to any individual municipality where in the opinion of the Minister the general provisions would not be appropriate due to an alteration in municipal boundaries.

THE RESIDENTIAL PROPERTY TAX REDUCTION AMENDMENT ACT, 1970 (No. 2)

BILL No. 210

Ontario Statutes 1970, Chapter 119, effective November 13th, 1970.

Reduction of Property Tax Paid by Pensioners. New *Section 8a* is added to provide that commencing in the year 1970 and in respect of each year thereafter, the Treasurer of Ontario shall pay the sum of \$50 to each person whose principal place of residence is in Ontario and who is entitled, on any date prescribed by the Minister, to a payment by the Government of Canada of a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada). *Subsection 2* provides for an additional payment where a person is eligible for a payment under *subsection 1* and he or his spouse is entitled to a reduction in municipal taxes under *Section 2* in respect of the property in which he or she resides. *Subsection 3* provides that no payment under *subsection 2* shall exceed \$50. New *Sections 8b* and *8c* deal with regulation making powers.

THE TERRITORIAL DIVISION AMENDMENT ACT, 1970

BILL No. 219

Ontario Statutes 1970, Chapter 127, effective November 13th, 1970, with
certain sections coming into force on January 1st, 1971.

General. This Bill brings the Act up to date in relation to changes in status and names of municipalities.

THE CHILD WELFARE AMENDMENT ACT, 1970

BILL No. 182

Ontario Statutes 1970, Chapter 96, effective November 13, 1970.

1. **Parents of Children Born Out of Wedlock.** *Clause g of subsection 2 of Section 6* is re-enacted to make clear that the objects of a society include assistance to the parents of a child who is about to be born out of wedlock.

2. **Establishment of Child Welfare Committees.** *Section 11* is re-enacted to provide for the establishment of child welfare committees to deal with cases of disagreement respecting a society's estimate of expenditures, composed of a chairman appointed by the Minister and one member appointed on behalf of the children's aid society and one member appointed by the municipality or the district child welfare budget board. The committee will inquire into the matters in dispute and make its findings known to the Minister who will make the final

determination. A complementary amendment is made to *subsection 1 of Section 9* which deals with council approval of the estimate of expenditures of a children's aid society and complementary amendments are also made to *subsection 2 of Section 9* and new *subsections 3, 4 and 5* are added.

3. **Capital Grants.** *Section 13* is re-enacted to permit the payment of capital grants by instalments at the time and in the manner prescribed by the regulations.

4. **Care of Children.** *Subclause i of clause b of subsection 1 of Section 19* is amended to make clear that care of children brought before a judge under this Part of the Act is not limited only to orphans but includes other children as well.

5. **Notice to be Sent to Director.** A new *subsection 4a* is added to *Section 24* to provide that where the child is a child of an unmarried mother, the notice under *subsection 4* shall be sent to the Director of Child Welfare instead of to the municipality where the child was taken into protective care. A complementary amendment is made to *subsection 4 of Section 24*.

THE DAY NURSERIES AMENDMENT ACT, 1970

BILL No. 174

Ontario Statutes 1970, Chapter 88, effective November 13th, 1970.

Indian Bands May Enter Into Agreements. *Subsection 2 of Section 3* is amended to provide that where the council of an Indian Band establishes a day nursery or enters into an agreement with any person or organization operating a licensed day nursery for the furnishing of such day nursery services for such children as is agreed upon, the band is entitled to payments referred to in *subsection 1* in the same manner as if the band were a municipality. The purpose of the amendment is to place Indian bands upon the same footing as municipalities for the purpose of grants.

THE DISTRICT WELFARE ADMINISTRATION BOARDS AMENDMENT ACT, 1970

BILL No. 176

Ontario Statutes 1970, Chapter 90, effective November 13th, 1970.

1. **Indian Bands.** *Clause e of Section 1* is amended to provide that the definition of "municipality" is enlarged to include an Indian Band. *Subsection 2 of Section 2* is re-enacted to provide that the provisions and administration services by a board may be extended to an Indian band.

2. **Establishment of District Welfare Administration Board.** *Subsection 1 of Section 3* is re-enacted to provide that a "district welfare administration board shall be established and maintained for a district by all the towns, villages, townships and improvement districts in the district when by-laws authorizing the establishment of the board have been passed by a majority of all those

municipalities in the district". The amendment is to clarify the intent of the subsection.

3. **Apportionment of Expenditures.** *Section 6* is re-enacted to clarify the manner in which the expenditures of a district welfare administration board are apportioned among the participating municipalities.

4. **Expenditures Incurred in Respect of Indian Bands.** New *Sections 6b* and *6c* are added to provide that the expense of providing welfare services to an Indian band is not to be portioned among the municipalities but is to be paid by the council of the band to the board in accordance with such agreement as the Minister may approve. Provision is made for temporary borrowing by a board.

5. **Provincial Grant For First Year.** *Subsection 1* of *Section 7* is amended to delete the reference to a per capita grant and makes it clear that the amount of the first year grant to a board is to be determined by regulation. Complementary amendments are made by repealing *Section 8* and by re-enacting *clause c* of *Section 9*.

THE ELDERLY PERSONS CENTRES AMENDMENT ACT, 1970

BILL No. 144

Ontario Statutes 1970, Chapter 82, effective November 13th, 1970

1. **Municipality Defined.** *Clause ea* is added to *Section 1* to define municipality as meaning a city, town, village or township and includes an area municipality within a metropolitan, regional or district municipality, but does not include a metropolitan, regional or district municipality.

2. **Effective Date of Approval.** A new *subsection 2* is added to *Section 2* to provide that any approval of a centre under *subsection 1* may take effect on any date fixed by the Lieutenant Governor in Council that is prior to the date on which the approval is given, but in no case shall the date on which the approval takes effect precede the date of the approval under that subsection to the corporation maintaining and operating the centre.

3. **Establishment of Centres.** A new *Section 2a* is added to provide that the council of a municipality may by by-law approved by the Minister provide for the establishment and operation of centres and the council may grant aid to centres.

4. **Capital Grants to Centres.** *Section 3* is re-enacted to provide that centres established by municipalities will be eligible for financial assistance from the province. The aid that a municipality is required to grant may be in the form of money or may be real or personal property equivalent in value.

5. **Approval of By-Law.** *Subsection 2* of *Section 6* is re-enacted to provide that no by-law that affects an approved centre in respect of which a grant has been made under the Act has effect until it is approved in writing by the Minister.

6. **Approvals.** A new *Section 6a* is added to provide that any approval given under the Act may be suspended by the Minister or revoked by Lieutenant Governor in Council at any time.

THE GENERAL WELFARE ASSISTANCE AMENDMENT ACT, 1970

BILL No. 175

Ontario Statutes 1970, Chapter 89, effective November 13th, 1970.

Indian Bands. *Section 10* is amended by the addition of a new *subsection 3a* to provide that a Indian band may, with the approval of the council of a county and the Director, form part of the county for the purpose of the administration of assistance.

THE HIGHWAY IMPROVEMENT AMENDMENT ACT, 1970

BILL No. 195

Ontario Statutes 1970, Chapter 107, effective November 13, 1970.

1. **Use of Space Over and Under Highways.** A new *subsection 3* is added to *Section 2* to provide that the Minister of Highways may authorize any municipality, including a district, metropolitan or regional municipality, or a local board thereof, by lease, licence or other arrangement to use, or to construct, maintain and use buildings, structures or improvements in or on any space or area located over, across or under a highway under the jurisdiction of the Department of Highways, where, in the opinion of the Minister, such construction, maintenance or use can be carried out without unduly interfering with the public use of the highway.
2. **Connecting Links.** *Subsection 1* of *Section 22* is amended by adding a new *clause d* to permit the continuation of connecting link agreements where an urban municipality or a part thereof, in which a connecting link is located, becomes part of a township.
3. **Transportation Needs Study Report.** *Section 23* is re-enacted to provide that the Minister and any municipality, including a district, metropolitan or regional municipality, may enter into an agreement for the preparation of a report on the whole or any part of the transportation system required to meet the needs of the municipality and the Minister may direct payments out of moneys appropriated therefore by the Legislature of a sum not exceeding 75 per cent of the cost of the report.
4. **Consent to Closing of Highway Connecting with King's Highway.** *Subsection 2* of *Section 25* is re-enacted to provide that a municipality shall not open, close or divert any highway or road allowance entering or touching upon or giving access to the King's Highway without approval of the Lieutenant Governor in Council, and a by-law passed for such purposes does not take effect until it has been approved by the Lieutenant Governor in Council.

THE HIGHWAY TRAFFIC AMENDMENT ACT, 1970 (No. 1)

BILL No. 164

Ontario Statutes 1970, Chapter 74, comes into force on March 1st, 1971.

Application of New Part XVI to Municipalities. *Subsection 1 of Section 53* is amended to permit municipal corporations having jurisdiction over a highway, upon application in writing, to grant a permit for the moving of heavy vehicles, loads, objects or structures in excess of the limits prescribed by the new Part XVI.

THE MOTORIZED SNOW VEHICLES AMENDMENT ACT, 1970

BILL No. 163

Ontario Statutes 1970, Chapter 73, effective June 26th, 1970.

Power of Municipal Control Extended. *Subsection 6* is re-enacted. *Subsection 1* provides that the council of a local municipality may pass by-laws regulating, governing or prohibiting the operation of motorized snow vehicles within the municipality including any highway therein or any part or parts thereof. *Subsection 2* provides that where a by-law is passed under *subsection 1* the by-laws do not apply to highways or any part or parts thereof that are not under the jurisdiction of the local municipality. *Subsection 3* gives authority to councils of counties or of districts, metropolitan or regional municipalities to pass by-laws regulating and governing the operation of motorized snow vehicles along or across any highway or part of a highway under its jurisdiction. *Clause e of Section 1* which defined "municipality" has been repealed as it is no longer required in view of the provisions of the above subsections. *Subsection 4* provides that where the operation of motorized snow vehicles is not prohibited on a highway under the jurisdiction of a county, district, metropolitan or regional municipality by a by-law passed under *subsection 1*, the council of such municipality may pass by-laws prohibiting the operation of motorized snow vehicles along or across such highway or any part thereof. Under *subsection 5, Part XXI of The Municipal Act* which deals with penalties and enforcement of by-laws continue to apply to by-laws under this new section.

THE NORTHERN ONTARIO DEVELOPMENT CORPORATION ACT, 1970

BILL No. 168

Ontario Statutes 1970, Chapter 77, effective on a day to be named by Royal Proclamation.

General. This Bill establishes the Northern Ontario Development Corporation to perform the function of the Ontario Development Corporation in Northern Ontario. *Clause e of Section 1* defines "Northern Ontario" as meaning the districts of Algoma, Cochrane, Manitoulin, Nipissing, Sudbury, Timmiskaming, Kenora, Rainy River and Thunder Bay and such other areas as are from time to time designated by the Lieutenant Governor in Council under *subsection 2*.

THE ONTARIO EDUCATION CAPITAL AID CORPORATION AMENDMENT ACT, 1970

BILL No. 97

Ontario Statutes 1970, Chapter 46, effective June 26th, 1970.

1. **Definition of Municipal Amended.** *Clause b of Section 1* is amended so that the Act will apply to debentures issued by a district or regional municipality.

THE ONTARIO MUNICIPAL IMPROVEMENT CORPORATION AMENDMENT ACT, 1970

BILL No. 165

Ontario Statutes 1970, Chapter 75, effective June 26th, 1970.

1. **"Municipality" Re-Defined.** *Section 1* is re-enacted. *Clause a of Section 1* defines a municipality to mean a county, city, town, village, township or improvement district and "municipal" has a corresponding meaning.

2. **Objects of the Corporation.** A new *Section 2a* is added to provide that the objects of the Corporation are to purchase from any municipality in Ontario having a population less than 20,000 debentures issued by it for any municipal purpose and to purchase from any municipality in Ontario having a population of 20,000 or more debentures issued by it for any of the following municipal works and undertakings:

1. Water works and water supply distribution systems.
2. Sewage works treatment works, sewer systems or sewers, as defined in *Section 380 of The Municipal Act*.
3. Plants and works for the incineration of garbage, refuse and waste.
4. Drainage works under *The Drainage Act, 1962-63*.

3. **Determination of Population.** *Subsection 2 of Section 2a* provides that the corporation shall determine the population for the purpose of *subsection 1* as of the business day next preceding the day on which the Lieutenant Governor in Council approves the purchase of debentures pursuant to *subsection 1 of Section 8*, and such determination is final.

4. **Rate of Interest.** A new *subsection 3* is added to *Section 8* to provide that effective rate of interest at which the Corporation may purchase debentures shall be determined from time to time by the Lieutenant Governor in Council.

THE ONTARIO WATER RESOURCES COMMISSION AMENDMENT ACT, 1970

BILL No. 215

Ontario Statutes 1970, Chapter 124, effective November 13th, 1970.

1. **Penalties for Pollution Increased.** *Subsection 1 of Section 27* is amended to increase the maximum penalty for water pollution to a maximum of \$5,000

on first conviction and \$10,000 on subsequent convictions. A new *subsection 1a* provides that each day that a municipality or person contravenes *subsection 1* constitutes a separate offence.

2. **Commission to be Notified of Pollution.** A new *subsection 1b* is added to *Section 27* which requires every municipality or person that discharges anything into water and such discharge is not in the normal course of events to forthwith notify the Commission of such discharge. A new *subsection 1c* makes it an offence not to so notify the commission which on conviction provides for a fine of not more than \$5,000.

3. **Powers of Commission Extended.** New *sections 27a, 27b* and *27c* provide for the following:

- (a) The Commission is empowered, with the approval of the Minister, to prohibit or regulate the discharge of sewage into or near water by any municipality or person; penalties are provided for the contravention of any such order.
- (b) The Commission may by order require any municipality or industrial or commercial enterprise to keep on hand such equipment and chemicals or other materials to alleviate the effects of any impairment of the quality of water they may cause as the order specifies; penalties are provided for the contravention of any such order.
- (c) Before making an order under any of the sections and subsections, the Commission is to afford a hearing to the municipality or person affected by the order.

4. **Notice Where Sewage Works Established or Extended, Subsections 1 and 5 of Section 32** are amended to require notice of the establishment of a sewage works to be given to the municipality in or into which the sewage works are being established or extended.

5. **Application to Board for Extension of Sewage Works.** A new *subsection 11* is added to *Section 32* to provide that where the Commission has approved the extension by a person of his sewage works from one municipality into another the person undertaking the extension may apply to the Municipal Board for an order to amend any by-law prohibiting or regulating the use of land for the disposal of refuse or industrial waste or any zoning by-law or any official plan that might otherwise prevent such extension. A new *subsection 12* is added to provide that the Board, as a condition of making an order under *subsection 11*, may impose such restrictions, limitations and conditions respecting the use of land for the extension of such sewage works, not inconsistent with the terms and conditions of the approval of the Commission given under *Section 31*, as to the Board may appear necessary or expedient. New *subsections 4* and *5* are added to *Section 32a* which are similar in intent to the new subsections added to *Section 32* by this Bill. A new *Section 32b* is added to provide that *subsections 11* and *12* of *Section 32* and *subsections 4* and *5* of *Section 32a* apply, with the necessary changes, to a municipality that has

obtained the approval of the Commission to the establishment or extension of its sewage works or to the establishment or extension of sewage treatment works.

6. **Rate of Interest on Projects.** *Paragraph 2 of subsection 1 of Section 40* is amended so that the rate of interest on projects undertaken under *Section 39* will be as prescribed by the Commission with the approval of the Lieutenant Governor in Council.

7. **Cost of Construction of Service Drains.** A new *Section 41a* is added to provide that where, in connection with a project or a provincial work, service drains are constructed as part of a sewage works, the municipality may recover the cost of the construction together with interest at a rate to be determined by the municipality, from the owners of land serviced by the drains over a period of years.

8. **Moneys May be Expended on Another Project in the Same Municipality.** A new *subsection 1a* is added to *Section 43* to provide that the Commission may expend moneys out of a reserve account established in respect of one municipality for any other project in the same municipality.

9. **Penalty for Breach of Regulation.** *Subsection 3 of Section 47* is re-enacted to provide that the maximum penalty for a breach of the regulations made under this section is increased from \$5 to \$25 and the maximum penalty is increased from \$500 to \$1,000.

10. **Loans Under Federal Statute.** *Section 51* is amended by adding a new *subsection 2* to provide that the Commission in relation to sewage works constructed with the assistance of loans under Part VIB of the *National Housing Act, 1954* (Canada) under agreements entered into after the 1st day of September, 1964, may not act as a agent of a municipality.

11. **Time for Prosecution.** *Section 52* is amended to provide that the time for commencing a prosecution under a plumbing inspection by-law passed by a municipality or local board is enlarged from six months to one year. A complementary amendment is made to *subsection 2 of Section 47b* to provide that subject to *Section 52, Part XXI of The Municipal Act* applies to a by-law passed under the said *Section 47b*.

12. **Recovery of Moneys Owing to Commission.** A new *Section 58* is added. The provision in this new Section which was formerly contained in *subsection 5 of Section 42* (which subsection is now repealed by this Bill), and related only amounts due by a municipality to the Commission under an agreement respecting a project is now made of general application in all cases where moneys are owing to the Commission, and permits the Commission to recover interest and expenses of debt service if any owed by it to the Treasurer of Ontario with respect to the moneys owing.

THE POLLUTION ABATEMENT INCENTIVE ACT, 1970

BILL No. 150

Ontario Statutes 1970, chapter 62, deemed to have come into force on April 1st, 1970, and is repealed on April 1st, 1975.

1. **Minister May Make Grants to Municipalities.** *Clause a of Section 2* of this new Act provides that the Minister of Energy and Resources Management may make grants to any municipality, including a district, metropolitan or regional municipality, university, school and hospital in respect of equipment for pollution abatement that it has installed and made operational after this Act comes into force for the purpose of incineration, the treatment of sewage, the treatment of water to produce potable water or the treatment or disposal of waste.

2. **Amount of Grants.** *Section 4* provides that the amount of the grant where the equipment is used solely for the abatement of pollution or the treatment or disposal of waste, shall be the amount of tax paid under *The Retail Sales Tax Act, 1960-61* in respect of such equipment, or where the equipment is not used solely for the purposes stated above, as determined by the Minister, the amount of such tax that is in the same proportion as the equipment is used for the abatement of pollution or the treatment or disposal of waste.

3. **Approval of Equipment.** *Section 6* provides that grants shall be made under *Section 2* only in relation to equipment that is approved for the purposes of this Act by the Minister and on such terms and conditions, in addition to those prescribed in the regulations, as may be imposed by the Minister.

4. **Regulations.** *Section 9* provides that the Minister may make regulations in connection with the matters set out therein including approval of forms, equipment and limitation of grants.

THE PROVINCIAL LAND TAX AMENDMENT ACT, 1970

BILL No. 207

Ontario Statutes 1970, Chapter 116, deemed to have come into force on January 1st, 1970.

1. **Machinery for Production of Power.** *Paragraph 10 of subsection 1 of Section 3* is amended to remove the liability to assessment and taxation of machinery used for the production of power.

2. **Community Centres.** *Subsection 1 of Section 3* is amended by the addition of a new *paragraph 16* which provides that the buildings and grounds of an athletic field, an outdoor swimming pool, an outdoor skating rink or a community hall owned by a board as defined in *The Schools Administration Act* and having jurisdiction only in territory without municipal organization and in respect of which a grant has been made under *The Community Centres Act* is exempt from taxation.

THE REGISTRY AMENDMENT ACT, 1970

BILL No. 90

Ontario Statutes 1970, Chapter 40, effective July 1st, 1970.

1. **Costs of New Surveys.** *Subsection 5 of Section 26 and Section 28* which authorized the Director of Land Registration to order new surveys of a locality at the expense of a municipality is repealed. The provisions serves no purpose now that the cost of administration of justice have been assumed by the Province.
2. **Municipal Plans to be Entered in Abstract Index.** *Subsection 1 of Section 29* is amended to require judge's plans and municipal plans under *Section 93a* to be treated as subdivision plans for the purpose of the manner of entry in the abstract index.
3. **Plan Index Book.** *Section 87* is re-enacted to delete the reference to the payment of the cost of the plan index book by the municipal treasurer.
4. **Alteration of Plans.** *Section 92* which permits the council of any municipality to apply to a county or district judge to amend a registered plan is amended by the addition of new *subsections 2, 3 and 4*. *Subsection 2* provides that no part of a highway, road, street or lane upon which any lot abuts, or that connects any such lot with or affords access therefrom to the nearest public highway, shall be closed, diverted or altered without consent of the owner of such lot. *Subsection 3* provides that the Minister of Justice and Attorney General or any person affected by an order under *subsection 1* may appeal the order to the Supreme Court. *Subsection 4* provides that an order shall not be made under this section amending a plan that was approved under *Section 28 of The Planning Act* or a predecessor thereof without the prior written consent of the Minister of Municipal Affairs to the amendment.
5. **List of Conveyances.** *Section 108* which requires the registrar to supply a municipality upon the request of council, with particulars of transactions registered in the registry office is repealed. The provision is unnecessary now that assessors are provincial employees.

THE SECONDARY SCHOOLS AND BOARDS OF EDUCATION AMENDMENT ACT, 1970

BILL No. 152

Ontario Statutes 1970, Chapter 63, effective June 26th, 1970 except the amendments to *Section 84* which shall be deemed to have come into force on December 31st, 1969, the amendments to *Sections 85 and 87a* which shall be deemed to have come into force on January 1st, 1970 and the addition of *subsection 1g* to *Section 88* which comes into force on January 1st, 1971.

1. **Voting on Public School Matters.** *Subsection 5 of Section 50* is re-enacted to provide that a member of a board of education elected by separate school supporters or appointed by a separate school board is a trustee for secondary school purposes only and shall not vote on matters that affect public

school exclusively, and all other members of a board of education are trustees for public and secondary school purposes.

2. **Qualifications and Disqualifications and Filling of Vacancies.** New *subsections 2, 3, 4 and 5* are added to *Section 54* to provide for the qualifications and disqualifications of members of a board of education and also for the filling of vacancies. *Sections 56, 58, 59 and 60* are repealed as the matters dealt with by those sections are now contained in *Section 54*.

3. **Definition of "Public School Elector" and "Separate School Supporter".** *Clauses g and i of subsection 1 of Section 81* are re-enacted for the purpose of clarifying the definition of "public school elector" and "separate school supporter" respectively.

4. **Where Estimates Submitted After March 1st.** *Subsection 1a of Section 85* is re-enacted to provide that where estimates are submitted after the 1st day of March in any year, the municipalities in a school division are not relieved of their obligation to levy and collect the amount required by the divisional board.

5. **Separate Levy.** A new *subsection 1b* is added to *Section 85* to provide that where in the year 1971 and in any year thereafter, the council of a municipality is required, by reason of receiving the requisition of a divisional board under *subsection 1* after the 1st day of March, to levy the amount required by the divisional board by a separate levy from the amount levied for municipal purposes, the divisional board, on the request of the treasurer of the municipality, shall pay to the treasurer the cost of levying the amount required by the divisional board.

6. **Apportionment where Unorganized Territory Becomes Part of School Division.** *Subsection 1a of Section 86* is amended to provide that where in any year, territory without municipal organization is included in a school division there will be an allowance of thirty days for an appeal in respect of apportionment for costs.

7. **Arbitration where Undue Burden on Ratepayers.** *Subsection 4 of Section 86* is re-enacted to provide that where in any year, the council of a municipality is of the opinion that the apportionment made under *subsection 2 or 3* imposes an undue burden on the ratepayers council may apply to the divisional board within 30 days after receiving the apportionment from the divisional board for an arbitration. A similar amendment is made under *subsection 6 of Section 87a*.

8. **Decision of Arbitrators.** *Subsection 9 of Section 86* is amended to provide that the decision of the arbitrators is effective only for the year in respect of which the decision is made.

9. **Ratepayers in Territory Without Municipal Organization.** *Subsection 10 of Section 86* is re-enacted to provide that in territory without municipal organization that is deemed to be a district municipality in a school division, five ratepayers resident in such district municipality have the same powers as the council of a municipality under *subsections 4 and 8* and may appoint one

ratepayer to act as treasurer for the purposes of this section and, where any disagreement arises in respect of such appointed treasurer, the secretary of the divisional board shall designate the person so to act.

10. **Adjustment as Result of Arbitration.** A new *subsection 11* is added to *Section 86* to provide for adjustment in the following year where a decision of the arbitrators alters the requisition made by the divisional board.

11. **Obsolete Sections Repealed.** *Subsections 1a and 1b of Section 88* are repealed as they applied only in the year 1969.

12. **Termination of Agreements.** A new *subsection 1e* is added to *Section 88* to provide for the termination of agreements made under *subsection 1d*.

13. **Where Requisition Received After March 1, 1970.** A new *subsection 1f* is added to *Section 88* to provide for the payments in the year 1970 to a divisional board where the divisional board has not requisitioned before March 1st.

14. **Where Instalment Due Before Requisition Received.** A new *subsection 1g* is added to *Section 88* to make provision for payments to a divisional board where the divisional board has not requisitioned before the due date of the first instalment.

15. **Elections in Areas.** *Subsection 3 of Section 91* is re-enacted to permit members who are to be elected by separate school supporters to be elected by areas.

16. **Number of Members Where Boundaries of a City Altered.** *Subsection 7 of Section 92* is re-enacted and provides for a determination of the number of members to be elected where the boundaries of a city are altered or a new city erected.

17. **Public School Electors in County or District Municipalities.** *Subsection 9 of Section 92* is re-enacted and new *subsections 9a and 9b* are added to provide for the determination to be made by the clerks of the three municipalities having the greatest residential and farm assessment where a county council formerly made the determination in areas that are included in a regional municipality and provide for a redetermination when the school division is altered under *subsection 2 of Section 82*. *Subsection 10 of Section 92* is amended to provide the determination to be made by the clerks of the county municipalities in a regional municipality.

18. **Appeal from Determination.** *Subsection 11 of Section 92* is re-enacted to clarify the powers of the judge on appeal of a determination made under *subsection 9*.

19. **Information for Determinations.** *Subsections 12 and 13 of Section 92* are repealed and *subsection 12* is re-enacted to provide that the clerk of each city and each county or district municipality and the secretary of the divisional board shall provide to the persons required to make a determination under this section on their request, the information required for such purpose.

20. **Determination in Regional Municipalities.** *Subsection 14 of Section 92* is re-enacted and *subsection 15* is amended to provide for determinations in regional municipalities.

21. **Time for Passing By-Law.** *Subsection 16 of Section 92* is amended and a new *subsection 16a* is enacted to provide that a by-law passed for the election by public school electors and separate school supporters under *subsection 16* and a by-law repealing such by-law shall not be passed later than the 1st day of November in the year of the election and shall take effect for the purpose of the election next after the passing of the by-law and remains in force until repealed.

22. **Elections in County and District Municipalities.** *Clauses a and b of subsection 17 of Section 92* are re-enacted. *Clause a* is to make it clear that for purposes of an election under *subsection 9* only the names of candidates who have qualified shall be sent to the clerk of each municipality concerned. *Clause b* is to make it clear that the vote is to be reported to the returning officer who conducted the nomination.

23. **Number of Members to be Elected.** *Subsection 18 of Section 92* is re-enacted to provide for the election of members by the separate school supporters where there are one or more cities in the school district.

24. **Distribution of Members to be Elected by Separate School Supporters.** *Subsection 19 of Section 92* is re-enacted to provide for the election by wards of the members to be elected by separate school supporters in the county or district municipalities.

25. **Election of Members by Separate School Supporters.** *Subsection 20 of Section 92* is re-enacted to provide for the election by general vote where only one member is to be elected by the separate school supporters. *Subsection 21 of Section 92* is amended to provide for the determination of the returning officer responsible for the election of members by the separate school supporters.

26. **Biennial Elections.** *Subsection 25 of Section 92* is re-enacted to provide that the election of members of a divisional board, except a divisional board of a defined city, shall take place in the year 1968 and in every second year thereafter.

27. **Where no Municipal Election in any Year.** A new *subsection 25a* is added to *Section 92* to provide that where in a municipality other than a defined city, there is no provision for municipal elections in the year 1968 or in any second year thereafter, the council of the municipality shall provide for the election of members of the divisional board in the year 1968 and in every second year thereafter.

28. **Voters List.** New *subsections 25c and 25d* *Section 92* provide for the voters list to be used in an election of members of a divisional board in municipalities and territory without municipal organization.

29. **Election Expenses.** *Subsection 28 of Section 92* is re-enacted to provide for the inclusion of the advertising of nomination meetings and polls in the costs for which the divisional board is to reimburse the municipality.

THE SEPARATE SCHOOLS AMENDMENT ACT, 1970

BILL No. 153

Ontario Statutes 1970, Chapter 64, effective June 26th, 1970, except the amendments to Section 81 which come into force on January 1st, 1971.

1. **Definition of County Municipality.** *Clause e of subsection 1 of Section 74* is re-enacted to provide that the definition of "district municipality" shall mean "a municipality that forms part of a county for municipal purposes and includes a municipality other than a city, that forms part of a regional municipality."
2. **Definition of District Municipality.** *Clause h of subsection 1 of Section 74* is re-enacted to provide that the definition of "district municipality" shall mean "a municipality, except a city, in a territorial district, and includes an area municipality as defined in *The District of Muskoka Act, 1970*."
3. **Definition of Separate School Supporter.** *Clause j of subsection 1 of Section 74* is re-enacted to provide that the definition of "separate school supporter" in a combined separate school zone means:
 - (i) in a municipality, a person whose name is entered on the last revised voters' list as qualified to vote at the municipal elections of the municipality and appears thereon as a supporter of a separate school, and
 - (ii) in territory without municipal organization a person who is of the full age of twenty-one years, a British Subject and a Roman Catholic and whose name is entered on the last revised assessment roll for such territory as a supporter of a separate school.
4. **Payment of Rates to Board.** New *subsections 2, 3, 4 and 5* are added to *Section 81* to provide for payment by instalments of the amounts required to be raised by a municipality for separate school purposes on the same basis as for amounts raised for divisional boards of education.
5. **Determination of Number of Trustees.** *Subsection 5 of Section 84* is re-enacted and a new *subsection 5a* is added to *Section 84* to provide for a determination of the number of members to be elected where the boundaries of a City are altered or a new city erected. A complementary amendment is made to *subsection 7*. *Subsection 10* is amended to clarify the powers of the judge on appeal.
6. **New Determination.** *Section 84* is amended by the addition of new *subsections 13a and 13b* to provide for a new determination to be effective in the second year following an election where the county or district separate school board was not constituted in accordance with *Section 84*.
7. **Election by General Vote and by Areas.** *Subsection 14 of Section 84* is re-enacted and a new *subsection 14a* is added to provide that a by-law dividing a municipality into areas for election purposes shall be passed not later than the 1st day of November in the year of the election and shall remain in force until repealed.

8. **Sending of Names of Candidates to Clerks.** *Clause a of subsection 15 of Section 84* is amended to provide that the names of the candidates who have qualified shall be sent to the clerk in the combined area by registered mail within 48 hours after closing of nominations.

9. **Returning Officer.** *Clause b of subsection 15 of Section 84* is amended to provide that the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and shall report forthwith the vote recorded to the returning officer referred to in *clause a*, who shall prepare the final summary and announce the vote.

10. **Biennial Elections.** *Subsection 17 of Section 84* is re-enacted to provide that the trustees of a county or district combined separate school board shall be elected for a term of two years and the election of such trustees shall take place in the year 1968 and in every second year thereafter.

11. **Where no Municipal Election in Any Year.** *Subsection 18 of Section 84* is re-enacted to provide that where in a municipality there is no provision for municipal elections in the year 1968 or in any second year thereafter, the council of the municipality shall provide for the election of trustees of the county or district combined separate school board in the year 1968 in every second year thereafter.

12. **Manner of Election.** *Subsection 19 of Section 84* is re-enacted to provide that an election of trustees of a county or district combined separate school board shall be conducted in a municipality by the same officers and in the same manner as municipal elections in the municipality. Subsequent clauses specify how elections to school boards are to be carried out in including a provision for an advance poll.

13. **Voters List.** A new *subsection 20* is added to *Section 84* to designate the voters list. A new *subsection 20a* is added to provide for the addition of a name to the voters list where such name has been omitted.

14. **Advertising Expenses.** *Subsection 23 of Section 84* is re-enacted to provide for the inclusion of the costs of advertising nomination meetings and polls in the costs for which the combined separate school board is to reimburse the municipality.

15. **No Candidate for More than One Seat.** *Section 85* is amended by the addition of a new *subsection 3a* to provide that a person may not be a candidate for more than one seat on a county or district combined separate school board.

THE TELEPHONE AMENDMENT ACT, 1970

BILL No. 84

Ontario Statutes 1970, Chapter 34, effective June 26th, 1970.

General. A new *Section 117* is added to permit the issue of debentures for the purpose of the provision by a telephone company of communication serv-

ices other than telephone service alone. *Subsection 1* defines "communication service" as meaning "any form of communication by electrical currents or impulses conducted by wires, cables or radio, other than telephone service". *Subsection 2* provides that where a communication service may be conveniently provided in conjunction with the telephone service and all provisions of any Act of the Legislature or the Parliament of Canada respecting such communication service have been complied with, the council of a municipality that is carrying on a telephone system as a public utility, or the council of an initiating municipality or the commissioners of a municipal telephone system, as the case may be, may with the approval of the Commission, provide the communication service as part of the telephone system. *Subsection 3* provides the method for passing the by-law and authorizing the work and issue of debentures.

THE TILE DRAINAGE AMENDMENT ACT

BILL No. 98

Ontario Statutes 1970, Chapter 47, effective June 26th, 1970.

1. **Municipal Indebtedness.** *Subsection 2 of Section 1a* is amended to provide that a municipality's total indebtedness under the Act shall not exceed \$750,000. Prior to the amendment the limit was \$500,000.

2. **Discharge of Indebtedness.** *Section 20* is re-enacted to provide that the owner of land in respect of which money has been borrowed may at any time obtain the discharge of the indebtedness by paying to the treasurer of the municipality the amount borrowed, with interest thereon at the rate payable by the municipality or district or regional municipality to the Treasurer of Ontario or his assignee on the debentures of the municipality or district or regional municipality that the Treasurer or his assignee holds in respect of the said indebtedness, less any sum already paid on account of principal and interests, and upon the same being paid to the treasurer, he shall forthwith transmit it to the Treasurer of Ontario or his assignee who shall apply it towards payment of the debentures of the municipality or district or regional municipality.

THE TREES AMENDMENT ACT, 1970

BILL No. 206

Ontario Statutes 1970, Chapter 115, effective November 13th, 1970.

County Redefined. *Clause a of Section 1* is re-enacted to provide that "county" shall include a district municipality and a regional municipality for the purposes of the Act.

THE WARBLE FLY CONTROL AMENDMENT ACT, 1970

BILL No. 68

Ontario Statutes 1970, Chapter 16, effective May 14th, 1970.

1. **Definition of "Municipality" Enlarged.** *Clause e of Section 1* is re-

enacted to provide that the definition of "municipality" means a city, town village or township.

2. **Purchase of Ingredients.** *Subsection 1 of Section 3* is amended so that the purchase of ingredients by a council for the treatment of cattle for warble fly is no longer mandatory.

THE WASTE MANAGEMENT ACT, 1970

BILL No. 94

Ontario Statutes 1970, Chapter 44, comes into force September 1st, 1970.

General. The purpose of this Act is to provide for the control and regulation of the use of waste disposal sites and the operation of waste management systems. A Waste Management Advisory Board is established to hold hearings and to report with its recommendations to the Minister of Energy and Resources Management.

1. **Inspector Defined.** *Clause e of Section 1* defines "inspector" to mean "a person employed or appointed to assist in the administration of this Act". *Subsection 2 of Section 5* provides that a medical officer of health shall be deemed to be ex officio an inspector under this Act.

2. **Municipality Defined.** *Clause h of Section 1* defines "municipality" to include a metropolitan municipality, a regional municipality and a district municipality.

3. **Owner Defined.** *Clause j of Section 1* defines an "owner" to mean a person or municipality that owns or is responsible for the establishment or direction of a waste management system or a waste disposal site.

4. **New Systems, Sites and Extensions, etc.** *Section 12* provides that no person or municipality shall establish, alter, enlarge or extend, a waste management system, or a waste disposal site unless a certificate of approval or provisional certificate of approval therefor has been issued by the Minister.

5. **No Money By-Law Without Certificate.** *Section 13* provides that no by-law for raising money to finance any work under *Section 11* shall be passed by the council of a municipality until a certificate of approval or a provisional certificate of approval has been issued therefor. *Section 11* deals with waste management systems that are in operation when this Act comes into force.

6. **Municipal Responsibility for Waste Matters.** *Section 14* provides that where the Minister reports in writing to a clerk of a municipality that he is of the opinion that it is necessary in the public interest that waste be collected or a waste management system or any part thereof be established, maintained, operated, improved, extended, enlarged or altered, repaired or replaced, it is not necessary to obtain the assent of the electors to any by-law for incurring a debt for any such purpose, and the municipality shall forthwith do every possible act and thing in its power to implement the report of the Minister within

the time specified. *Section 18* requires publication, by an applicant for a certificate of approval to do any of the above in connection with a waste management system or waste disposal site of a notice of his intentions, once a week for three successive weeks in a newspaper having general circulation in the locality where the site or system is to be located.

7. **Prohibition as to Depositing of Waste.** *Section 21* provides that subject to *Section 11*, no person or municipality shall deposit waste upon any land or land covered by water in or any building that is a waste disposal site for which a certificate or a provisional certificate has been issued and except and in accordance with the terms and conditions of such certificate.

8. **Prohibition of Use of Facilities.** *Section 22* provides similar restrictions as contained in *Section 21* in regard to use of facilities or equipment for the storage or handling, treatment, collection, transportation, processing or disposal of waste.

9. **Hearing and Appeals.** Subsequent sections make provision for hearings by the Waste Management Advisory Board to refuse to issue or renew or to suspend or revoke a certificate of approval or provisional certificate of approval and to make certain orders. A Waste Management Appeal Board is established to hear appeals and provision is made for compensation in certain orders.

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